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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5523

AN ORDINANCE establishing a scope and budget for the New City Building project; authorizing the City Manager to execute an Amendment to Part I and also to execute Part II of the Agreement between the City and Lease Crutcher Lewis, the General Contractor/Construction Manager (GC/CM) for the project, establishing the Guaranteed Contract Cost and authorizing performance of the remaining work on and completion of the New City Building project; adopting the New City Building Comprehensive Finance Plan; amending the 2003-2009 Capital Investment Program Plan (CIP) adopted by Ordinance No. 5426 to change the name of the New City Building project from Public Safety Center (CIP-PSC-1) to New City Building (CIP-NCB-1); amending the 2003-2009 Capital Investment Program Plan to increase the appropriation to CIP-NCB-1 by \$89,330,000.00; authorizing and directing the City Manager or his designee to proceed with the sale of bonds to pay the outstanding BAN and the costs of the improvements to the New City Building; authorizing the City Manager thereafter to transfer the net bond proceeds from the Bond Fund to be created upon the sale of such bonds to CIP-NCB-1; and authorizing the City Manager or his designee to issue the Notice to Proceed with construction of the improvements to and completion of the New City Building.

WHEREAS, the City Council desires to establish a scope and budget for the construction and completion of the New City Building; and

WHEREAS, the City has previously entered into an Agreement with Lease Crutcher Lewis to act as the General Contractor/Construction Manager (GC/CM) for "Preconstruction Services," including a portion of the construction planning, design review, cost estimating, scheduling, constructability review, negotiating the Maximum Allowable Contract Cost (MACC) and other activities to be performed by the GC/CM (Part I of the Agreement); and

WHEREAS, the City Council desires to amend Part I of the Agreement, and to enter into Part II of the Agreement with Lease Crutcher Lewis establishing the Guaranteed Contract Cost (including the MACC) and authorizing performance of the remaining work on and completion of the New City Building; and

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WHEREAS, the City Council has conducted a series of public meetings during April and May 2004 to review, discuss and reach conclusions about the project scope and budget so that it could develop a New City Building Comprehensive Finance Plan; and

WHEREAS, the City Council desires to adopt the New City Building Comprehensive Finance Plan; and

WHEREAS, by Ordinance No. 5426 the City Council adopted the 2003 -2009 Capital Investment Program Plan (CIP), which includes a project for the development of a public facility for public safety and other civic uses (Project CIP-PSC-1) ; and

WHEREAS, the City Council and the public now refer to this project as the New City Building, and the City Council desires to rename the Project in the CIP as the New City Building (CIP-NCB-1); and

WHEREAS, the City Council previously issued its Limited Tax General Obligation Bond Anticipation Note, 2002 (Note) to evidence a taxable line of credit with Bank of America, N.A., which the City has drawn upon to finance the acquisition of a site in downtown Bellevue, including existing improvements thereon, for the New City Building; and

WHEREAS, the City Council has determined that it is in the public interest to issue Limited Tax General Obligation bonds in the par amount of approximately \$102,710,000.00 (Bonds) to finance certain renovation and improvement costs of the New City Building, to provide funds required to prepay the outstanding Note, and to reimburse the City for certain costs paid by it to plan for the renovation of the New City Building; and

WHEREAS, the City Council has determined that good public fiscal accounting is furthered by the net bond proceeds (Bond Proceeds) remaining in the New City Building Project Fund (Bond Fund) to be created by the ordinance approving the sale of such bonds, until such time or times as the City Manager or his designee transfers any or all of said proceeds to CIP-NCB-1; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The City Council hereby establishes the scope and budget for the New City Building project as set forth in that certain document entitled "New City Building – Scope and Budget," a copy of which has been given Clerk's Receiving No. 35998.

Section 2. The City Manager or designee is authorized to execute an Amendment to Part I of the Agreement, and to execute Part II of the Agreement between the City and Lease Crutcher Lewis, the GC/CM, establishing the

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Guaranteed Contract Cost, including the Maximum Allowable Construction Cost, and authorizing performance of the remaining work on and completion of the New City Building, as more fully set forth in said Amendment to Agreement and Agreement, copies of which have been given Clerk's Receiving Nos. 35999 and 36000, respectively.

Section 3. The New City Building Comprehensive Finance Plan is hereby adopted establishing the guiding principles governing the entire New City Building project including the financial elements of the New City Building project, as more fully set forth in said Plan, a copy of which has been given Clerk's Receiving No. 36001.

Section 4. The 2003-2009 Capital Investment Program Plan adopted by Ordinance No. 5426, as amended, is amended to change the New City Building project name from Public Safety Center (CIP-PSC-1) to New City Building (CIP-NCB-1).

Section 5. The 2003-2009 Capital Investment Program Plan adopted by Ordinance No. 5426, as amended, is further amended to appropriate to project CIP-NCB-1 an additional \$89,330,000.00, for a total appropriation to that project within that Fund of \$127,853,000.00.

Section 6. The City Manager or his designee is authorized and directed to proceed to sell Limited Tax General Obligation Bonds of the City in the approximate par amount of \$102,710,000.00, the proceeds of which, after deducting the costs of the bond sale, shall be used for the purposes set forth in the scope and budget for the New City Building project hereinabove adopted by the City Council.

Section 7. The City Manager or his designee is authorized to transfer to project CIP-NCB-1 any or all of the Bond Proceeds from the Bond Fund to be established pursuant to the bond sale ordinance.

Section 8. The City Manager or his designee is authorized to issue to the GC/CM the Notice to Proceed with the construction and completion of the improvements to the New City Building, as provided for in the Agreement with the GC/CM.

Section 9. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

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Passed by the City Council this 1st day of June,
2004, and signed in authentication of its passage this 1st day of June, 2004.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Deputy City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published June 4, 2004